

Joshua Trigsted (13126)
Trigsted Law Group, P.C.
5200 SW Meadows Rd, Ste 150
Lake Oswego, OR 97035
503-376-6774, ext. # 216
866-927-5826 facsimile
jtrigsted@attorneysforconsumers.com
Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SKYLER SHUMWAY, Plaintiff, v. UNITED RECOVERY GROUP, INC., URG, LLC, & JEREMIAH DURFEE, Defendants.	COMPLAINT Case No: 2:12-cv-00358-PMW JURY TRIAL DEMANDED
------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendants' violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

II. JURISDICTION

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331.

III. PARTIES

3. Plaintiff, Skyler Shumway ("Plaintiff"), is a natural person residing in Salt Lake County, Utah.

4. Defendant, United Recovery Group, Inc., (“Defendant United Recovery”) is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant United Recovery regularly attempts to collect debts alleged due another.

5. Defendant, URG, LLC, (“Defendant URG”) is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant URG regularly attempts to collect debts alleged due another.

6. Defendant, Jeremiah Durfee, (“Defendant Durfee”) is the chief executive of URG, LLC, and United Recovery Group, Inc., and is engaged in the business of collecting debts by use of the mails and telephone. Defendant Durfee regularly attempts to collect debts alleged due another.

IV. FACTUAL ALLEGATIONS

7. Defendants are each a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

8. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

9. All activities of Defendants set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 USC § 1692a(5).

10. Within the last year, Defendants took multiple actions in an attempt to collect a debt from Plaintiff. Defendants’ conduct violated the FDCPA in multiple ways, including the following.

11. In connection with collection of a debt, using language the natural consequence of which was to abuse Plaintiff, including Defendants stating to Plaintiff in a voicemail that he needs to “scrape up some integrity.” (§ 1692d(2)).

12. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

13. Defendants intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

14. Defendants' actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

15. To the extent Defendants' actions, detailed in paragraphs above, were carried out by an employee of any Defendant, that employee was acting within the scope of his or her employment.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

16. Plaintiff reincorporates by reference all of the preceding paragraphs.

17. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FDCPA, §§ 1692d.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:

- A. Declaratory judgment that Defendants' conduct violated the FDCPA;
- B. Actual damages pursuant to 15 USC 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and

any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,

E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Dated this 13th day of April, 2012.

TRIGSTED LAW GROUP, P.C.

s/Joshua Trigsted
Joshua Trigsted
Attorney for the Plaintiff